

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 177, "In-Home Health Related Care," Iowa Administrative Code.

The proposed amendments would change the requirements for Department service workers' involvement with clients who are receiving state supplementation to meet the costs of nursing and personal care provided in the client's home. The amendments:

- Extend the requirements for social worker review of the entire care plan from every three months to every six months.
- Eliminate the requirement for Department social workers to provide for guardianship, commitment, or protective placement when in-home health related care services are terminated for a client who is unable to protect the client's own interests.
- Clarify the requirements for case plan approval.

Review of a case at six-month intervals is consistent with the requirements for other service programs. The 60-day reviews required of the physician and the supervising nurse serve to monitor the client's service needs. Service workers assist clients in finding whatever alternative protective services are available, which are not necessarily the specific services listed in the current rule. Having a list of alternatives in the rules is not necessary.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before December 10, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249.3(2)"a"(2).

The following amendments are proposed.

ITEM 1. Amend subrule 177.4(5) as follows:

177.4(5) Certification procedure. The approval ~~by the area office of the department of human services~~ of the case plan by the service area manager or designee shall constitute certification and approval for payment.

ITEM 2. Amend subrule 177.6(3) as follows:

177.6(3) Review. The continuing need for in-home health care services shall be reviewed:

- a. At a minimum of every 60 days by the physician, including a written recertification of continuing appropriateness of the plan;
- b. At a minimum of every ~~three~~ six months by the service worker, including a review of the total care plan; ~~and~~
- c. At a minimum of every 60 days by the nurse who shall review the nursing plan; ~~or~~
- d. ~~More frequent reviews may be~~ frequently if required by the physician, the service worker, or the nurse.

ITEM 3. Amend subrule 177.11(1) as follows:

177.11(1) *Request.* Upon the request of the client or legal representative. ~~When termination of the program would result in an individual being unable to protect the individual's own interests, arrangements for guardianship, commitment, or protective placements shall be provided.~~